



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s): Terwilliger, et al.  
Appln. No.: 10/716,328  
Confirm. No.: 5231  
Filed: November 18, 2003  
Title: DELIVERY FOR INTERSTITIAL  
RADIOTHERAPY USING HOLLOW SEEDS

PATENT APPLICATION

Art Unit: 3736

Examiner:

Customer No. 23910

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 4-2-04.

*Teri Muir*

(Signature)

Teri Muir

Signature Date: 4-2-04

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56**

MS 3736  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

***Enclosed with this statement are the following:***

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ The present application is being/was filed after June 30, 2003. In accordance with the pre-official gazette waiver of 37 CFR 1.98 (a)(2)(i) posted at: [pac/dapp/opla/preognotice/idswouscopies.htm](http://pac/dapp/opla/preognotice/idswouscopies.htm), copies of cited U.S. patents are not enclosed. However, copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as still required.

— The present application was filed prior to June 30, 2003. A copy of each cited document as required by 37 C.F.R. §1.98 is enclosed. Copies are not submitted of documents previously submitted by the applicant in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d)(1), with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

— ***PTA Statement under 37 C.F.R. §1.704(d).*** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

***This statement should be considered because:***

☒ **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

— **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).  
-- OR --
- (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

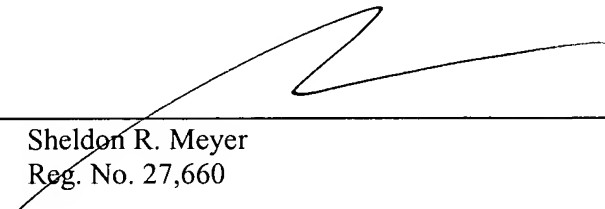
- (1) It is being filed on or before payment of the Issue Fee;  
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

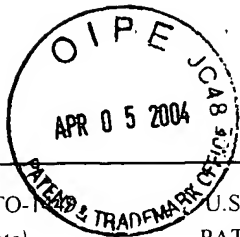
Respectfully submitted,

FLIESLER DUBB MEYER & LOVEJOY LLP

Date: 4/2/09

By:   
Sheldon R. Meyer  
Reg. No. 27,660

FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone (415) 362-3800



Form PTO-1 (Substitute)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket Number <b>WORLD-01004US2</b>	Serial/Patent Number <b>10/716,328</b>
		Applicant/Patent Owner <b>Terwilliger et al.</b>	
		Filing/Issue Date <b>November 18, 2003</b>	Group Art Unit <b>3736</b>

*Information Disclosure Statement*

**BY APPLICANT**

*(Use several sheets if necessary)*

**U.S. PATENTS**

Examiner Initial	Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	1,578,945	03/30/26	Withers			
	2,067,589	01/12/37	Antrim			
	3,351,049	11/07/67	Lawrence			
	3,565,869	02/23/71	De Prospero			
	3,636,956	01/25/72	Schneider			
	4,052,988	10/11/77	Doddi et al.			
	4,086,914	05/02/78	Moore			
	4,167,179	09/11/79	Kirsch			
	4,402,308	09/06/83	Scott			
	4,509,506	04/09/85	Windorski et al.			
	4,697,575	10/06/87	Horowitz			
	5,339,812	08/23/94	Hardy et al.			
	5,460,592	10/24/95	Langton et al.			
	5,713,828	02/03/98	Coniglione			
	5,761,877	06/09/98	Quandt			
	5,833,593	11/10/98	Liprie			
	6,039,684	03/21/00	Ildstad et al.			
	6,080,099	06/27/00	Slater et al.			
	6,132,677	10/17/00	Ohriner			
	6,132,947	10/17/00	Honam et al.			
	6,159,143	12/12/00	Lennox			
	6,163,947	12/26/00	Coniglione			



### U.S. PATENTS

Examiner Initial	Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	6,200,256	03/13/01	Weinberger			
	6,248,057	06/19/01	Mavity et al.			
	6,283,911	09/04/01	Keren			
	6,312,374	11/06/01	von Hoffmann			
	6,398,709	06/04/02	Ehr et al.			
	6,497,646	12/24/02	Candelaria et al.			
	6,514,193	02/04/03	Kaplan			
	6,537,193	03/25/03	Lennox			
	6,539,247	03/25/03	Spetz			

### U.S. PATENT PUBLICATIONS

Examiner Initial	Patent Application Publication Number	Publication Date	Applicant

### PENDING U.S. PATENT APPLICATIONS

Examiner Initial	Application Number	Filing Date	First Named Inventor	Petition to Expunge? Yes   No

### FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Publication Date	Country	Class	Subclass	Translation Yes   No

### OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

	Martines et al., "Sterilization of <sup>125</sup> I Seed Encased in Vicryl Sutures for Permanet Interstitial Implantation", J. Rad. Onc. Bio. Phys. 5(3):411-413 (1979)
	Van't Riet, "Ultrasonically Guided Transperineal Seed Implantation of the Prostate: Modification of the Technique and Qualitative Assessment of Implants", Intl. J. Rad. Onc. Biol. Phys. 24(3): 555-558 (1992)
	Middleton et al., "Synthetic Biodegradable Polymers as Medical Devices", Med. Plas. Biomat. (Mar. 1998)

APR 05 2004

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)	
	<a href="http://investor.mentorcorp.com/news/20010122-32414.cfm">http://investor.mentorcorp.com/news/20010122-32414.cfm</a> , "Mentor Acquires Breakthrough Brachytherapy Technology" (Jan.25, 2002)
Examiner	Date Considered
<p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
<p>*1 = Copy not submitted because it was submitted in prior application SN __/____, filed _____, 20____, relied on under 35 USC §120.</p>	
<p>*2 = Copy not submitted because it was submitted in prior application SN __/____, filed _____, 20____, relied on under 35 USC §120.</p>	